

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE	
Plaintiff,	
vs.	CIVIL ACTION NO. 16-cv-2894
ELWYN and ELWYN, INC.	
Defendants.	

ORDER

And NOW, this 24th day of October 2016, for the reasons stated in the foregoing memorandum, it is hereby ORDERED that the Plaintiff's Motion to Amend Under Federal Rule of Civil Procedure 15(a) (ECF No. 28) is DENIED, and the Defendants' Partial Motion to Dismiss Under Federal Rule of Civil Procedure 12(b)(6) (ECF No. 21) is GRANTED in part and DENIED in part as follows:

1. Defendants' Motion is GRANTED with prejudice as to Counts One, Two, Six, Ten, Eleven and Twelve;
2. Defendants' Motion is GRANTED without prejudice, because they will be subsumed into Count Three, as to Count Five, Seven and Nine; and
3. Defendants' Motion is DENIED without prejudice as to Count Eight.

Count Four is dismissed without prejudice *sua sponte*. This case will proceed on Counts Three and Eight only.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.